THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1406 OF 2005

Dt: 08.08.2005

Between:

Abdul Majeed Khan

S/o.Mahd.Jaffar Khan

H.No.2-3-23, R/o.Shahbazar Lane

Gandhingar, Mahaboo Nagar

Mahabubnagar District … APPELLANT

AND

The Director of PS4

Army Head Quarter Adjutant General

Branch: Personal Services

Army Headquarters (AG-PS4) Wing Sena Bhawan

DHQ PQ New Delhi … RESPONDENT

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THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

-

WRIT APPEAL No.1406 OF 2005

JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

Heard both the counsel.

The present Writ Appeal has been filed by the appellant-writ petitioner aggrieved by the Order, dated 08.06.2005, in Writ Petition No.20971 of 2002 passed by a learned single Judge of this Court.

The said Writ Petition was filed to quash the proceedings dated 09.06.2002 issued by the respondent and consequently to direct him to release the disability pension of the appellant from the date of medical discharge till the date of realization.

It is the case of the appellant-writ petitioner that he joined the Indian Army on 19.07.1958 as Craftsmen Vehicle Mechanic, EME Corps and was discharged from duty on medical grounds in the year 1964 and that at the time of his discharge, he was paid only Rs.255.75 ps. as gratuity and as he was not paid the disability pension, he filed the above said Writ petition. In view of the fact that the appellant

has filed the Writ Petition after lapse of 38 years, and no document was filed to show that the disability sustained by him is attributable to or aggravated by the military service, the learned single Judge dismissed the Writ Petition. Aggrieved by the same, the present Writ Appeal has been preferred.

Through the impugned proceedings dated 09.06.2002, the respondent informed the appellant that in pursuance of his representation dated 09.04.2002, the matter has been examined at their Headquarters and that they have nothing more to comment in addition to what has been intimated to him by EME Records, Secunderabad.

A reading of the affidavit of the appellant itself goes to show that he has joined in the Indian Army on 19.07.1958 and was discharged from service on medical grounds in the year 1964 and that for the first time he made a representation to the respondent on 09.04.2002. The material annexed to the Writ Petition goes to show that the appellant has filed Writ Petition No.10604 of 2002 before this Court questioning the earlier proceedings dated 06.12.2002 and this Court disposed of the same on 17.06.2002 directing the respondent-authorities to dispose of the appeal filed by the appellant on 09.04.2002 on or before 30.09.2002. But, however, by the time this Court has passed the Order, the respondent-authorities have disposed of the representation of the appellant i.e., 09.06.2002.

In view of the fact that the learned single Judge has given cogent reasons while dismissing the Writ Petition, we do not find any reason to interfere with the Order of the learned single Judge.

The Writ Appeal is accordingly dismissed. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 08.08.2005

bsv/lvl